

AFFIDAVIT

1312061-000

STATE OF WEST VIRGINIA)

COUNTY OF MARSHALL)

BOOK 0721 PAGE 0213

I, Robert A. Smith, state and affirm, subject to the penalties of W. Va. Code, § 61-5-2 relating to false oaths or affirmations, that I have read this affidavit and that the facts set forth herein are true and correct to the best of my knowledge. Robert A. Smith, being duly sworn, deposes and states as follows:

1. I am the current owner of the following described oil & gas estate, TO WIT:
Property Tax Parcel Identification Number(s): 9-19
County(ies) of Marshall, State of West Virginia (the "**Property**").
2. I have not entered into or signed any of the following documents: (i) an oil & gas lease; (ii) a top lease; (iii) an agreement to lease; (iv) a letter of intent to lease; or (v) any other document or agreement to lease or enter into an oil and gas lease, as it relates to the Property, except as to those which are recorded in the Office of the County Clerk for Marshall County(ies), State of West Virginia.

IN WITNESS WHEREOF, this Affidavit is executed on the 14 day of December, 2010.

AFFIANT: [Signature]

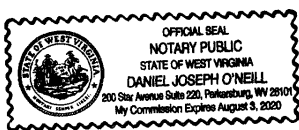
Printed name: Robert A. Smith

STATE OF WEST VIRGINIA)

COUNTY OF OHIO)

Sworn and signed before me, the undersigned officer, on this the 14 day of December, 2010.

IN WITNESS WHEREOF, I hereto set my hand and official seal.



My Commission Expires: August 3, 2020

[Signature]
Printed Name: Daniel J. O'Neill
Notary Public

Jan Pest
MARSHALL County 02:48:28 PM
Instrument No 1298817
Date Recorded 01/20/2011
Document Type O&G
Pages Recorded 1
Book-Page 721-213
Recording Fee \$5.00
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 14th day of December, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 20th day of January, 2011 at 2:48 o'clock P.M.

TESTE: [Signature]

Clerk.